

## REMARKS

### Claims in the Application.

Claims 12, 13, 15, and 16 are pending in the present application. Claims 1-11 and 17-29 have been withdrawn. Claim 14 has been canceled. Claims 12, 13, 15, and 16 have been rejected. In light of the amendment and following remarks, Applicant respectfully submits that the active claims of this application are in a condition for Allowance and Notice to that effect is earnestly solicited.

### Rejection of Claims 12, 13, 15, and 16 under 35 U.S.C. § 102.

The Examiner has rejected Claims 12, 13, 15, and 16 as being anticipated by U.S. Patent No. 4,525,410 ("*Hagiwara*"). To anticipate a claim, a prior art reference must disclose every limitation of the claimed invention either explicitly or inherently. *In re Schreiber*, 128 F.3d 1473, 1477 (Fed. Cir. 1997). For the following reasons, reconsideration is respectfully requested.

The elements of the claims are explained in paragraph 40 of the application as filed:

[0040] An exchange study using a NaCl dissolution demonstrated that it is the clinoptinolite that controls the release of Zn ions from the biocide. FIG. 2 shows the plot of Zinc content in the NaCl dissolution vs. exchange time after the contact between the biocide and NaCl dissolution and the velocity of Zn ions release from the biocide. The plotting was adjusted to the Higuchi model confirming the controlled released of Zn ions by the zeolitic material.

*Hagiwara* does not disclose a biocide. In the present invention as claimed, the biocide interacts with the sodium in the water to release hydroxyls. *Hagiwara*, in contrast, only uses the zinc disclosed as a bacteriacide, not as biocide. See *Hagiwara*, col. 2, l. 20. *Hagiwara* only discloses a zeolite and fails to disclose either a biocide or sodium in the water. Because *Hagiwara* is missing at least one element of the claims, reconsideration is respectfully requested.

The Examiner has also rejected Claim 12 as being anticipated by U.S. Patent No. 6,357,678 ("*Hu*"). *Hu* also fails to disclose the use of zinc as a biocide. *Hu* does not disclose the release of hydroxyls or zinc into the water by ionic exchange, which would indicate that a biocide was present. Moreover, *Hu* is silent as to the element of sodium in the water as presently



claimed. Because *Hu* is missing an element of the claims, reconsideration is respectfully requested.

### **CONCLUSION**

For the stated reasons, reconsideration is respectfully requested. The Commissioner is hereby authorized to charge or credit the Deposit Account No. 12-1322 of Locke Liddell & Sapp LLP under Order No. 021544-00002. In light of the foregoing remarks, the claims of the application have been distinguished over the cited references. The Examiner is requested to contact the undersigned at (713) 226-1218 should he deem it necessary to advance the prosecution of this application.

Respectfully submitted,

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DATED: February 3, 2006

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### **CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8(a)**

I hereby certify that this correspondence was mailed by first class mail to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 3rd day of February 2006.

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DATED: February 3, 2006